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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Letter dated 6 March 1995 from the Permanent Representative of India to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights

I understand that the Permanent Representative of the Kingdom of Morocco has requested you, on behalf of the member States of the Organization of the Islamic Conference, to circulate a statement pertaining to the Indian State of Jammu and Kashmir as an official document of the Commission on Human Rights. Since the above-mentioned statement is founded on incomplete, inaccurate and distorted information about the true situation in the area, I would be grateful if the following statement is kindly circulated as an official document of the Commission to set the record straight:

"It is deeply regretted that the OIC has made a reference to Jammu and Kashmir - an integral part of India. The validity of the accession of Jammu and Kashmir to India, both in legal terms and through popular will, is historically well documented and beyond doubt. Jammu and Kashmir acceded to India, in accordance with the Indian Independence Act of 1947, like the other Princely States, through an Instrument of Accession duly executed by its then Ruler and accepted by the Governor-General of India. This was ratified by a popularly elected Constituent Assembly, which went on to enact a Constitution recognizing the State as an integral part of India. There have, thereafter, been successive elections in the State whereby its people have freely elected their representatives.

"It is equally regrettable that the OIC has repeatedly allowed itself to be addressed by elements claiming to be the 'true representatives of the people of Jammu and Kashmir'. These individuals do not, in any way, represent the people of Jammu and Kashmir and represent none other than themselves.

"The statement completely ignores the fact that the current disturbed conditions in Jammu and Kashmir are squarely the result of external involvement in terrorist activity directed against us. It is today widely accepted that a campaign of unparalleled violence has been unleashed against us. Inspired, trained, financed and armed from across the border, thousands of terrorists have sought to rip apart the secular fabric, rule of law and democracy which flourished for decades in Jammu and Kashmir. It is our security forces who are seeking to protect human rights in Jammu and Kashmir against the terrorists and they are doing so with a measure of restraint rarely exercised in similar situations elsewhere in the world.

"It is unfortunate that the OIC should have permitted itself to be used to unjustifiably criticize a country which is home to the second largest Muslim population in the world and in which Muslims are valued and equal participants in all aspects of national life. OIC's concern for the people of Jammu and Kashmir would be best served if it would instead urge Pakistan to stop its involvement with cross-border terrorism which is responsible for violence and abuse of human rights in Jammu and Kashmir and has resulted in the exodus of 300,000 people, including 50,000 Muslims, to other parts of India.

"The suggestion of sending an OIC fact-finding mission or a good offices mission in regard to Jammu and Kashmir is unacceptable to us. Bilateral differences are best resolved bilaterally. India remains ready to resolve all differences with Pakistan peacefully and bilaterally in accordance with the Simla Agreement.

"It may, in conclusion, be mentioned that we are keen to enhance our links with the OIC. We have taken a number of initiatives to establish contacts with the OIC and to have a dialogue on matters of mutual interest and concern. Nothing should be done to impede this process which is in the mutual interest and which will help create a climate of better understanding."

(Signed) Satish Chandra
Ambassador Extraordinary
and Plenipotentiary